



JUSTICE ADMINISTRATION DEPARTMENT

Advancing innovative justice solutions so that all Harris County residents can live in vibrant, safe, healthy, and thriving communities

Memorandum

To: Harris County Commissioners Court
From: Dr. Ana Yáñez Correa, Interim Director
CC: Dave Berry, Harris County Administrator and Budget Officer; Perrye Turner, Deputy County Administrator for Justice & Safety
Date: June 10, 2022
RE: Update on June 9, 2020 Commissioners Court Items

Status Update on Justice Administration Department Requests from Commissioners Court Approved June 9, 2020

On June 9th, 2020, the day of Mr. George Floyd's funeral, Commissioners Court passed 11 motions meant to improve community safety by implementing reforms to create a more effective, fair, and equitable criminal legal system. This memo is in response to Precinct One Commissioner Rodney Ellis' June 14, 2022, request for an update from the Justice Administration Department (JAD) regarding the motions that Commissioners Court approved.

This status update includes a brief description of the motions as well as links to relevant documents regarding the following topics: community engagement in the budgeting process; non-punitive responses to address issues of poverty, homelessness, mental health, and substance use; the impact of fines and fees on criminalizing poverty; a county-level emergency responder program; violence interruption; law enforcement best practices; indigent defense; and addressing root causes of racial and ethnic disparities.

Budgeting Process

Supplemental Item 7: Community Engagement in the Budgeting Process

Motion by County Judge Lina Hidalgo, seconded by Commissioner Adrian Garcia

Commissioners Court adopted a motion by County Judge Lina Hidalgo instructing JAD and representatives of Commissioners Court to develop a process for meaningfully engaging the community in the current budgeting evaluations for all criminal justice departments funded by Harris County.

- Status: Completed.
- *Community Engagement Budgeting Project Scope and Report Outline* submitted to Commissioners Court is available [here](#).
- *Opportunities for Participatory Budgeting in Harris County* is available [here](#).
- This resulted in the creation of the first of its kind Harris Youth Justice Community Re-investment Fund in partnership with Harris County Juvenile Probation.
 - Press release announcing the fund available [here](#).
 - Press release announcing the intermediary of the fund available [here](#).

- The Office of Management and Budget (OMB) held four virtual town hall meetings to foster transparency into department fiscal operations, engage the community in the County budget process, and allow the public's priorities and recommendations to shape important budgeting decisions. This series of town hall meetings gave community members the opportunity to provide input into budgetary decisions around key County services such as public safety, transportation, health care, and housing. OMB also launched the *Open Budget* page to provide greater transparency into the allocation of the County budget. The Open Budget page can be found [here](#).

Alternative 911 Response Initiative

Supplemental Item 12: County-Level Emergency Responder Study

Motion by Commissioner Rodney Ellis, seconded by Commissioner Jack Cagle

Commissioners Court adopted a motion by Commissioner Rodney Ellis instructing JAD to work with the Commissioners Court's Analyst's Office to analyze the feasibility of creating a county-level emergency responder program to handle certain first-responder responsibilities that Harris County law enforcement agencies currently handle. The study addressed: 1) how the county could route 911 calls for mental health and substance abuse crises to a non-law enforcement crisis response team, 2) an assessment of how best to structure crises response teams to prevent a crisis before they occur and engage with vulnerable populations to provide referrals for preventive care, and 3) an assessment of the cost of fully funding enough crises response teams to handle all appropriate calls for service.

- Status: Completed.
- A preliminary Report, the *Emergency First Responder Study*, was submitted by Commissioners Court's Analyst's Office and is available [here](#).
- *The Holistic Assistance Response Team (HART)* presentation is available [here](#).
- The County has begun implementing the Harris County Holistic Assistance Response Team (HART), which is now operating under Public Health with the leadership of the Harris County Sheriffs' Office. HART provides trained medical and behavioral health responders for non-violent incidents in Cypress Station, such as homelessness or substance abuse, and helps free up law enforcement to focus on violent crime.
 - Harris County Public Health's presentation on HART to the Criminal Justice Coordinating Council, *Community Health and Violence Prevention Services Division Update*, available [here](#).

Addressing Violence

Supplemental Item 13: Violence Interruption Programs

Motion by Commissioner Rodney Ellis, seconded by Commissioner Adrian Garcia

Commissioners Court adopted a motion by Commissioner Rodney Ellis instructing the Justice Administration (JAD) to work with the Commissioners Court Analyst's Office to conduct a study analyzing the feasibility and cost of creating a new county-level agency or program to administer violence interruption programs based on proven public health techniques to end cycles of violence.

- Status: Completed.
- A preliminary report, *Violence Interruption Study*, was submitted by Commissioners Court's Analyst's Office, available [here](#).
- *CureViolence (CV)*, a street outreach program, and *Hospital-Based Violence Intervention Programs (HVIPS)* report is available [here](#).
- *Pilot Violence Prevention Program Strategic Plan* available [here](#).

- *Programming to Address Violence* presentation available [here](#).
- This assisted in the development of the Community Violence Interruption Program (CVIP), a community-based solution to reduce gun violence using public health techniques that operate outside and are complementary to law enforcement. The program operates under Public Health and works on an individual and population level to prevent gun violence before it occurs. It also stops the spread of further violence by interrupting ongoing conflicts.
 - Harris County Public Health's presentation on CVIP to the Criminal Justice Coordinating Council, *Community Health and Violence Prevention Services Division Update*, is available [here](#).

Indigent Defense

Supplemental Item 14: Indigent Defense System Improvements

Motion by Commissioner Rodney Ellis/ Amended by Commissioner Jack Cagle/ Amendment seconded by Commissioner Adrian Garcia/ Main Motion seconded by Commissioner Jack Cagle

Commissioners Court adopted a motion made by Commissioner Rodney Ellis instructing the Justice Administration Department (JAD) to work with the Public Defender's Office (PDO) and the Texas Indigent Defense Commission (TIDC) to develop a plan for the PDO to make improvements to our indigent defense system.

- Status: Completed.
- *Justice for All: A Proposal to Expand the Harris County Public Defender's Office and Create a Model Indigent Defense System* report available [here](#).
- Additionally, JAD developed two data dashboards to enhance transparency and build public trust in Harris County's indigent defense practices.
 - The *Court Appointments Dashboard* (temporarily offline, will be available soon)
 - The *Harris County Indigent Defense Dashboard* is available [here](#).
 - *User Guide Indigent Defense Dashboard* available [here](#).
- Public Defender Appointments:
 - The PDO represented 7.74% of court-appointed misdemeanor defendants in 2018. As of June 2022, they represent 18%.
 - The PDO represented 5.76% of court-appointed felony defendants in 2018. As of June 2022, they represent 15%.

Effective Interventions to Address Root Causes of Criminal Justice Involvement

Supplemental Item 16: Non-Punitive Intervention Alternatives Report

Motion by Commissioner Rodney Ellis, seconded by Commissioner Adrian Garcia

Commissioners Court adopted a motion by Commissioner Rodney Ellis instructing the Justice Administration Department (JAD) to work with the Commissioners Court's Analyst's Office to conduct a study identifying best practices and making recommendations for effective non-punitive intervention alternatives to address poverty, homelessness, public health and mental health, substance use, and violence prevention. The study should identify the best approaches to improve public and community health, improve violence prevention, reduce racial disparities in our justice system, and reduce incarceration. The analysis should: 1) review programs in Harris County and other large cities and counties designed to reduce criminal justice system involvement and disparities, 2) analyze the short and long-term cost-effectiveness of current criminal justice approaches and non-criminal justice alternatives, and 3) make recommendations for funding or investing in programs and structures that further these goals.

- Status: In progress; Request For Proposal (RFP) awarded to PFM Consulting Group LLC on January 25, 2022.
- *Status Memo on Non-Criminal Justice Alternatives to Incarceration* available [here](#).
- Expected Completion Date: September 2022.

Impact of Court Fines and Fees on Low-income and Vulnerable Individuals

Supplemental Item 17: Impact of Fines and Fees, Criminalization of Poverty Report

Motion by Commissioner Rodney Ellis, seconded by Commissioner Adrian Garcia

Commissioners Court adopted a motion by Commissioner Rodney Ellis instructing the Justice Administration Department (JAD) to submit a report on the imposition of criminal fines and fees on low-income and vulnerable individuals and make recommendations to improve these processes. The report should identify the fines and fees associated with criminal offenses, the consequences of unpaid fines, the use and effects of cash bail in pretrial detention, and disparate enforcement or impact of such practices on low-income individuals, racial and ethnic minorities, and any other vulnerable groups.

- Status: In progress; the vendor has been selected via a Request For Offer (RFO), and a draft agreement was sent to the vendor on May 24, 2022, for approval.
- *Impacts of Fines and Fees and Cash Bail Project Scope and Report Outline* available [here](#).
Expected completion date: TBD

Racial and Ethnic Disparity Reporting and Solutions

Supplemental Item 18: Addressing Root Causes of Racial and Ethnic Disparities Report

Motion by Commissioner Ellis, seconded by Commissioner Adrian Garcia

Commissioners Court adopted a motion made by Commissioner Rodney Ellis instructing the Justice Administration Department (JAD), the Harris County Sheriff's Office, and others to develop and submit a bi-annual report on the current racial disparities in the Harris County criminal justice system. JAD was instructed to collect, track, and report this information regularly. The initial report must: 1) track disparities at various stages of the criminal justice process from patrol to case disposition, 2) identify the root causes of those disparities, and 3) provide evidence-based recommendations to remedy the identified disparities.

- Status: In progress; Request For Proposal (RFP) was awarded to Rand Corporation on November 9, 2021. JAD is working with the Data Governance Committee to finalize the Data Use Agreement.
- *Status memo on racial and ethnic disparities reporting in the Harris County criminal justice system* available [here](#).
- Press release announcing JAD's launch of an RFP to conduct a racial and ethnic disparity study available [here](#).
- Expected completion date: Summer 2023.

Supplemental Item 18: Second Motion

Motion by Commissioner Adrian Garcia, seconded by Commissioner Ellis

Commissioners Court adopted a second motion made by Commissioner Adrian Garcia instructing the Justice Administration Department (JAD) and the Commissioners Court Analyst's Office to collect and

analyze existing racial profiling data produced by Harris County law enforcement and make that information available to the public.

- Status: Completed.
- *An Evaluation of Harris County Traffic Stop Data in Compliance with the Sandra Bland Act* report is available [here](#).
- This resulted in the development of the *Traffic Stop Dashboard User Guide* available [here](#) and the *2020 Traffic Stop Demographics Summary Dashboard* available [here](#).
 - A good example of a recommendation of the report being implemented can be seen on Constable Jerry Garcia's website <https://hccp2.com/racial-profiling-is-against-the-law/> and his multilingual online [commendation](#) and [complaint](#) forms.
 - Another best practice, that was previously implemented by Sheriff Ed Gonzalez that we recommend that all law enforcement agencies implement is the distribution of *compliment and complaint procedures business cards* to the public by deputies. Sample of a card can be found on page 6 of the report found [here](#).
 - A primary finding was the need to obtain additional data on all traffic stops from law enforcement. JAD is collaborating with the Harris County Sheriff's Office to determine the viability of obtaining additional data.

Law Enforcement Best Practices

Supplemental Item 8: HCSO / Constables / Reporting to JAD Use of Force

Motion by County Judge Lina Hidalgo, Seconded by Commissioner Adrian Garcia

Commissioners Court adopted a motion by County Judge Lina Hidalgo instructing the Harris County Sheriff's Office (HCSO) and the Harris County Constables Precincts to submit monthly reports on officer uses of force to JAD and Commissioners Court and to publish the reports on a public site. Data should include any related video footage and should identify whether the officer was on or off duty, any injuries that resulted from the use of force, where the use of force occurred, where a weapon was discharged, and the race, ethnicity, and gender of the person on whom the officer used force.

Status: In progress; the County Attorney's Office has been working on developing a Memorandum Of Understanding (MOU) with the constable precincts since August 2020. A final draft was submitted to them in May 2021; however, the MOU has not been signed by the parties. We plan to reengage the constables individually to determine if they are interested in participating.

- JAD staff have held productive meetings with HCSO over the last two weeks. We are drafting a possible data-sharing agreement for their consideration. And working with HPD to address data classification issues.
- On December 14, 2020, we met with the Constables and asked them to consider providing us aggregate data in three phases. We plan to reengage them on this request as well.
 - *Phase 1: High-Level Monthly Use-of-Force Statistics:* For the first data collection phase, we would like to receive aggregate monthly information to develop and deploy a public-facing dashboard for Harris County. JAD seeks to publish a dashboard that includes an approximate aggregate location/area of each incident, the aggregate type of force officers used against subjects, the number of officers who used force in a given month, the number of subjects who experienced force in a given month, and the subject's aggregated demographics (age group, sex, race, ethnicity).
- Expected Completion Date: TBD

Supplemental Item 15: Civilian Independent Oversight Board

Motion by Commissioner Rodney Ellis, seconded by Commissioner Garcia

Commissioners Court adopted a motion by Commissioner Rodney Ellis instructing the Justice Administration Department (JAD) to assess the feasibility and cost of creating an independent Harris County Civilian Oversight Board to review allegations of use of force by law enforcement within Harris County. The report must consider elements such as subpoena power, independence from law enforcement, authority to discipline, necessary resources, and access to trained non-law enforcement investigators. The report must also assess best practices and recommend how to empower a rigorous community oversight authority in Harris County.

- Status: The first draft of the report is almost finalized.
- *Status memo on Independent Law Enforcement Oversight Board* available [here](#).
- Expected Completion Date: August 2022.

Supplemental Item 20: Model Use of Force Policy / Training

Motion by Commissioner Adrian Garcia, seconded by Commissioner Rodney Ellis

Commissioners Court adopted a motion made by Commissioner Adrian Garcia instructing the Justice Administration Department (JAD) to work with Harris County law enforcement agencies to develop a model use of force policy that agencies may adopt and to work with agencies to develop training budgets for the model policy's implementation. The model policy should be designed to prevent unnecessary use of force, ensure transparency and accountability, and build and strengthen relationships between Harris County law enforcement and the communities they are charged to protect and serve. The policy should address: 1) both deadly and non-deadly use of force, 2) alternatives to use-of-force and de-escalation techniques, and 3) reporting requirements, including the development of a data-collection form that may be used to report use-of-force incidents, allegations, and findings by officers.

- Status: In progress;
 - **Evaluation of Best Practices:** We have reviewed and compared more than 102 use of force policies from existing law enforcement agencies and several model policies from existing law enforcement agencies and others. In addition, we have looked at the language used in federal consent decrees and the research compiled in both academic and legal journals to ensure that the resource guide is evidence-backed and conforms to the most compelling reasoning propounded by experts in the field.
 - **Guide Content:** We are drafting a resource guide that will include a rigorously researched array of best practices in the use of force policies that will help both 1) thoroughly justify the recommendations for law-enforcement agencies to consider and 2) exist in a form that can be easily cut and pasted into new draft policies so that agencies will not have to reinvent the wheel every time they make improvements.
 - **Ongoing Updates:** Ideally, after its initial release, the resource guide will be subject to regular updates and feedback from the community and law enforcement agencies that serve Harris County to stay relevant and continue to serve the unique needs of the people of Harris County.
- *Model Use of Force Policy Including Implicit Bias Training and Report Outline* available [here](#).
- Expected Completion Date: August 2022.